



General Assembly

January Session, 2011

***Raised Bill No. 1203***

LCO No. 4685

\*04685\_\_\_\_\_PH\_\*

Referred to Committee on Public Health

Introduced by:  
(PH)

***AN ACT CONCERNING WATER PROTECTION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16a-27 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) The secretary, after consultation with all appropriate state,  
4 regional and local agencies and other appropriate persons, shall, prior  
5 to March 1, 2012, complete a revision of the existing plan and enlarge it  
6 to include, but not be limited to, policies relating to transportation,  
7 energy and air. Any revision made after May 15, 1991, shall identify  
8 the major transportation proposals, including proposals for mass  
9 transit, contained in the master transportation plan prepared pursuant  
10 to section 13b-15. Any revision made after July 1, 1995, shall take into  
11 consideration the conservation and development of greenways that  
12 have been designated by municipalities and shall recommend that  
13 state agencies coordinate their efforts to support the development of a  
14 state-wide greenways system. The Commissioner of Environmental  
15 Protection shall identify state-owned land for inclusion in the plan as  
16 potential components of a state greenways system.

17 (b) Any revision made after August 20, 2003, shall take into account  
18 (1) economic and community development needs and patterns of  
19 commerce, and (2) linkages of affordable housing objectives and land  
20 use objectives with transportation systems.

21 (c) Any revision made after March 1, 2006, shall (1) take into  
22 consideration risks associated with natural hazards, including, but not  
23 limited to, flooding, high winds and wildfires; (2) identify the potential  
24 impacts of natural hazards on infrastructure and property; and (3)  
25 make recommendations for the siting of future infrastructure and  
26 property development to minimize the use of areas prone to natural  
27 hazards, including, but not limited to, flooding, high winds and  
28 wildfires.

29 (d) Any revision made after July 1, 2005, shall describe the progress  
30 towards achievement of the goals and objectives established in the  
31 previously adopted state plan of conservation and development and  
32 shall identify (1) areas where it is prudent and feasible (A) to have  
33 compact, transit accessible, pedestrian-oriented mixed-use  
34 development patterns and land reuse, and (B) to promote such  
35 development patterns and land reuse, (2) priority funding areas  
36 designated under section 16a-35c, and (3) corridor management areas  
37 on either side of a limited access highway or a rail line. In designating  
38 corridor management areas, the secretary shall make  
39 recommendations that (A) promote land use and transportation  
40 options to reduce the growth of traffic congestion; (B) connect  
41 infrastructure and other development decisions; (C) promote  
42 development that minimizes the cost of new infrastructure facilities  
43 and maximizes the use of existing infrastructure facilities; and (D)  
44 increase intermunicipal and regional cooperation.

45 (e) Any revision made after October 1, 2008, shall (1) for each policy  
46 recommended (A) assign a priority; (B) estimate funding for  
47 implementation and identify potential funding sources; (C) identify  
48 each entity responsible for implementation; and (D) establish a

49 schedule for implementation; and (2) for each growth management  
50 principle, determine three benchmarks to measure progress in  
51 implementation of the principles, one of which shall be a financial  
52 benchmark.

53 (f) Any revision made after October 1, 2009, shall take into  
54 consideration the protection and preservation of Connecticut Heritage  
55 Areas.

56 (g) Any revision made after December 1, 2011, shall take into  
57 consideration (1) the state water supply and resource policies  
58 established in sections 22a-380 and 25-33c, and (2) the list prepared by  
59 the Commissioner of Public Health pursuant to section 2 of this act.

60 [(g)] (h) Thereafter on or before March first in each revision year the  
61 secretary shall complete a revision of the plan of conservation and  
62 development.

63 Sec. 2. (NEW) (*Effective from passage*) The Commissioner of Public  
64 Health, in consultation with the Water Planning Council established  
65 pursuant to section 25-33o of the general statutes, shall prepare a list  
66 designating sources or potential sources of water that require  
67 protection so that the highest quality sources of water are available to  
68 provide water for human consumption. In preparing such list, the  
69 commissioner shall take into consideration the plans produced  
70 pursuant to sections 22a-32, 25-32d and 25-33h of the general statutes  
71 and such other plans that the commissioner deems relevant.

72 Sec. 3. Section 21a-138 of the general statutes is repealed and the  
73 following is substituted in lieu thereof (*Effective October 1, 2011*):

74 The commissioner, after hearing, of the time and place of which  
75 reasonable notice shall have been given, may suspend or revoke any  
76 such license for any of the following causes: The use of any polluted  
77 water; [for bottled water, the failure to use a source approved by the  
78 Department of Public Health;] failure to conduct such business in a

79 sanitary place and under sanitary conditions; the use of any ingredient  
80 impure or injurious to health; a conviction for a violation of the federal  
81 law in relation to intoxicating liquors or any state liquor control act;  
82 failure to comply with the provisions of this part, part III of this  
83 chapter and chapters 416, 417 and 430, relating to the manufacture of  
84 pure foods, so far as the same may apply to the provisions of this part,  
85 or failure to comply with any order of the commissioner under the  
86 provisions of this part. No person, during any period when his license  
87 is suspended or revoked, shall manufacture any beverage or sell or  
88 offer for sale any beverage previously manufactured by him. No  
89 person shall sell any beverage from open containers.

90 Sec. 4. Section 21a-150 of the general statutes is repealed and the  
91 following is substituted in lieu thereof (*Effective October 1, 2011*):

92 For the purposes of this section and sections 21a-150a to 21a-150j,  
93 inclusive, as amended by this act:

94 [(1) "Approved source" means the source of any bottled water,  
95 including, but not limited to, a spring, artesian well, drilled well or  
96 public water supply, which has been inspected and approved by the  
97 Department of Public Health;]

98 [(2)] (1) "Artesian well water" means bottled natural water obtained  
99 from a well tapping an aquifer in which the level of the water is above  
100 the bottom of the confining bed of the aquifer and in which the  
101 hydraulic pressure of the water in the aquifer is greater than the  
102 atmospheric pressure;

103 [(3)] (2) "Bottled water", or any term of similar import, means water  
104 obtained from [an approved] a supply source which is packaged for  
105 sale or distribution. "Bottled water" shall not include any soda or  
106 seltzer which is packaged for sale or distribution;

107 [(4)] (3) "Bottler" means any person, firm or corporation engaging in  
108 the business of bottling water for sale or distribution;

109        [(5)] (4) "Distilled water" means purified water which has been  
110        produced by a process of distillation;

111        [(6)] (5) "Drinking water" means bottled water which has been  
112        distilled, fluoridated or purified or which has been disinfected by a  
113        process of ozonation and filtration or any substantially similar  
114        disinfection process;

115        [(7)] (6) "Fluoridated water" means bottled water which contains  
116        fluoride ions in an amount not less than eight-tenths of one milligram  
117        per liter and not more than one and two-tenths milligrams per liter or  
118        such alternative concentration limit as the Commissioner of Consumer  
119        Protection, with the advice and assistance of the Commissioner of  
120        Public Health, may determine by regulations adopted in accordance  
121        with the provisions of chapter 54 and which otherwise complies with  
122        the provisions of Subdivision 2 of Subsection (d) of 21 [Code of Federal  
123        Regulations] CFR 103.35;

124        [(8)] (7) "Mineral water" means natural water which contains not  
125        less than five hundred parts per million total dissolved solids;

126        [(9)] (8) "Natural water" means bottled spring water, artesian well  
127        water or well water, which has been obtained from any [approved]  
128        supply source other than a public water supply and which has not  
129        been modified by blending with water from any other source or by the  
130        addition or deletion of any mineral other than any addition or deletion  
131        which may occur as a result of ozonation, filtration or any other  
132        substantially similar disinfection process;

133        [(10)] (9) "Principal display panel" means the portion of a label on  
134        any container or package which is most likely to be displayed,  
135        presented or examined under normal and customary conditions of  
136        display and purchase of bottled water;

137        [(11)] (10) "Public water supply" means any individual, partnership,  
138        association, corporation, municipality or other entity, or the lessee

139 thereof, which owns, maintains, operates, manages, controls or  
140 employs any pond, lake, reservoir, well, stream or distributing plant or  
141 system for the purpose of supplying water by service connections or  
142 pipe distribution systems to two or more hotels, motels,  
143 boardinghouses, apartments, stores, office buildings, institutions,  
144 mechanical or manufacturing establishments or other places of  
145 business or industry to which water is supplied by a water company or  
146 to twenty-five or more persons on a regular basis;

147 [(12)] (11) "Purified water" means bottled water which is produced  
148 by distillation, deionization, reverse osmosis or any other suitable  
149 process and which meets standards established for purified water in  
150 the twentieth edition of the United States Pharmacopoeia;

151 [(13)] (12) "Spring water" means natural water obtained from an  
152 underground formation from which water flows naturally to the  
153 surface of the earth;

154 (13) "Supply source" means the source of any bottled water,  
155 including, but not limited to, a spring, artesian well, drilled well or  
156 public water supply;

157 (14) "Well water" means natural water obtained from a hole bored,  
158 drilled or otherwise constructed in the ground, which taps the water of  
159 an aquifer.

160 Sec. 5. Section 21a-150a of the general statutes is repealed and the  
161 following is substituted in lieu thereof (*Effective October 1, 2011*):

162 [(a)] (a) Water bottled for sale or distribution shall be obtained from a  
163 source approved by the Department of Public Health.]

164 [(b)] (a) No bottled water shall be sold or distributed which does not  
165 comply with regulations adopted by the Department of Public Health  
166 pursuant to section 19a-36 establishing maximum contaminant levels,  
167 action levels and monitoring procedures for public drinking water,  
168 except that mineral water may be sold or distributed which contains

169 total dissolved solids in excess of the standard set forth in any such  
170 regulations.

171 [(c)] (b) A bottler shall be subject to the provisions of sections 21a-  
172 135 to 21a-145, inclusive.

173 Sec. 6. Section 21a-150b of the general statutes is repealed and the  
174 following is substituted in lieu thereof (*Effective October 1, 2011*):

175 (a) Qualified employees of a bottler shall collect samples of water  
176 from each [approved] supply source used by such bottler not less than  
177 once annually for contaminants for which maximum levels have been  
178 established in accordance with regulations adopted pursuant to section  
179 19a-36, concerning public drinking water, and regulations adopted  
180 pursuant to sections 21a-150 to 21a-150j, inclusive, as amended by this  
181 act, and not less than once every three years for contaminants for  
182 which monitoring is required pursuant to sections 21a-150 to 21a-150j,  
183 inclusive, as amended by this act, but for which no maximum level has  
184 been established. Qualified employees of a laboratory approved by the  
185 Department of Public Health shall analyze such samples to determine  
186 whether such source complies with the provisions of sections 21a-150  
187 to 21a-150j, inclusive, as amended by this act, any regulation adopted  
188 pursuant to said sections and any maximum contaminant level set  
189 forth in regulations adopted pursuant to said section 19a-36,  
190 concerning public drinking water. Microbiological analysis shall be  
191 conducted not less than once each calendar quarter if the supply  
192 source of such water is other than a public water supply and shall be in  
193 addition to any sampling and analysis conducted by any government  
194 agency or laboratory.

195 (b) Qualified employees of a bottler shall collect samples of water  
196 from any supply source used by such bottler when such bottler knows  
197 or has reason to believe that water obtained from such source contains  
198 an unregulated contaminant in an amount which may adversely affect  
199 the health or welfare of the public. Qualified employees of a laboratory  
200 approved by the Department of Public Health shall analyze such

201 samples periodically to determine whether water obtained from any  
202 such source is safe for public consumption or use.

203 Sec. 7. Section 21a-150d of the general statutes is repealed and the  
204 following is substituted in lieu thereof (*Effective October 1, 2011*):

205 (a) A laboratory which analyzes any water sample in accordance  
206 with any provision of sections 21a-150 to 21a-150j, inclusive, as  
207 amended by this act, shall report the results of such analysis to the  
208 bottler of such water.

209 (b) Such results shall be available for inspection by the Department  
210 of Consumer Protection [and the Department of Public Health], upon  
211 request.

212 (c) A bottler shall report any result which indicates that a water  
213 sample contains contaminants in an amount exceeding any standard  
214 set forth in any regulation adopted pursuant to sections 21a-150 to 21a-  
215 150j, inclusive, as amended by this act, or in any regulation adopted  
216 pursuant to section 19a-36 concerning public drinking water, to the  
217 Department of Consumer Protection, [and the Department of Public  
218 Health, within] not later than twenty-four hours [of] after learning of  
219 such result.

220 (d) All records of any sampling or analysis conducted in accordance  
221 with the provisions of sections 21a-150 to 21a-150j, inclusive, as  
222 amended by this act, shall be maintained on the premises of the bottler  
223 for not less than five years.

224 Sec. 8. Subsection (l) of section 21a-150h of the general statutes is  
225 repealed and the following is substituted in lieu thereof (*Effective*  
226 *October 1, 2011*):

227 (l) Except as provided in subsection (k) of this section, a label which  
228 identifies any bottled water which is not spring water, as defined in  
229 [subdivision (10) of] section 21a-150, as amended by this act, shall not  
230 bear the words "spring", "spring fresh", "spring brand", "spring type" or



231 any term of similar import.

232 Sec. 9. Subsection (b) of section 25-33 of the general statutes is  
233 repealed and the following is substituted in lieu thereof (*Effective*  
234 *October 1, 2011*):

235 (b) No system of water supply owned or used by a water company  
236 shall be constructed or expanded or a new additional source of water  
237 supply utilized until the plans therefor have been submitted to and  
238 reviewed and approved by the department, except that no such prior  
239 review or approval is required for distribution water main installations  
240 that are constructed in accordance with sound engineering standards  
241 and all applicable laws and regulations. A plan for any proposed new  
242 source of water supply submitted to the department pursuant to this  
243 subsection shall include documentation that provides for: (1) A brief  
244 description of potential effects that the proposed new source of water  
245 supply may have on nearby water supply systems including public  
246 and private wells; [and] (2) the water company's ownership or control  
247 of the proposed new source of water supply's sanitary radius and  
248 minimum setback requirements as specified in the regulations of  
249 Connecticut state agencies and that such ownership or control shall  
250 continue to be maintained as specified in such regulations; and (3) an  
251 evaluation of the existing and potential threats of pollution located  
252 near the proposed new source of water supply. If the department  
253 determines, based upon documentation provided, that the water  
254 company does not own or control the proposed new source of water  
255 supply's sanitary radius or minimum setback requirements as  
256 specified in the regulations of Connecticut state agencies, the  
257 department shall require the water company proposing a new source  
258 of water supply to supply additional documentation to the department  
259 that adequately demonstrates the alternative methods that will be  
260 utilized to assure the proposed new source of water supply's long-term  
261 purity and adequacy. In reviewing any plan for a proposed new source  
262 of water supply, the department shall consider the issues specified in  
263 this subsection. The department may deny a plan to establish a new

264 source of water supply if the department finds (A) the proposal affects  
 265 the adequacy of nearby water supply systems, (B) the provisions of  
 266 subdivision (2) of this subsection have not been met, or (C) an existing  
 267 or potential threat of pollution that is deemed by the department to be  
 268 adverse to public health may affect the new source of water supply.  
 269 The Commissioner of Public Health may adopt regulations, in  
 270 accordance with the provisions of chapter 54, to carry out the  
 271 provisions of this subsection and subsection (c) of this section. For  
 272 purposes of this subsection and subsection (c) of this section,  
 273 "distribution water main installations" means installations, extensions,  
 274 replacements or repairs of public water supply system mains from  
 275 which water is or will be delivered to one or more service connections  
 276 and which do not require construction or expansion of pumping  
 277 stations, storage facilities, treatment facilities or sources of supply.

278 Sec. 10. Section 19a-37 of the general statutes is repealed and the  
 279 following is substituted in lieu thereof (*Effective October 1, 2011*):

280 (a) The Commissioner of Public Health may adopt regulations in the  
 281 Public Health Code for the preservation of the public health pertaining  
 282 to (1) protection and location of new water supply wells or springs for  
 283 residential construction or for public or semipublic use, and (2)  
 284 inspection for compliance with the provisions of municipal regulations  
 285 adopted pursuant to section 22a-354p.

286 (b) The Commissioner of Public Health shall adopt regulations, in  
 287 accordance with chapter 54, for the testing of water quality in private  
 288 residential wells. Any laboratory or firm which conducts a water  
 289 quality test on a private well serving a residential property, [within  
 290 thirty days of the completion of such test,] shall report the results of  
 291 such test to (1) the public health authority of the municipality where  
 292 the property is located, and (2) the Commissioner of Public Health in a  
 293 format specified by the commissioner not later than thirty days after  
 294 the completion of the test, provided such report shall not be required if  
 295 the party for whom the laboratory or firm conducted such test informs

296 the laboratory or firm that the test was not conducted within six  
297 months of the sale of such property. [No regulation may require such a  
298 test to be conducted as a consequence or a condition of the sale,  
299 exchange, transfer, purchase or rental of the real property on which the  
300 private residential well is located.]

301 (c) The Commissioner of Public Health shall adopt regulations, in  
302 accordance with chapter 54, to clarify the criteria under which the  
303 commissioner may issue a well permit exception [may be granted] and  
304 describe the terms and conditions that shall be imposed when a well is  
305 allowed at a premises (1) that is connected to a public water supply  
306 system, or (2) whose boundary is located within two hundred feet of  
307 an approved community water supply system, measured along a  
308 street, alley or easement. Such regulations shall (A) provide for  
309 notification of the permit to the public water supplier, (B) address the  
310 quality of the water supplied from the well, the means and extent to  
311 which the well shall not be interconnected with the public water  
312 supply, the need for a physical separation, and the installation of a  
313 reduced pressure device for backflow prevention, the inspection and  
314 testing requirements of any such reduced pressure device, and (C)  
315 identify the extent and frequency of water quality testing required for  
316 the well supply.

317 [(d) No regulation may require that a certificate of occupancy for a  
318 dwelling unit on such residential property be withheld or revoked on  
319 the basis of a water quality test performed on a private residential well  
320 pursuant to this section, unless such test results indicate that any  
321 maximum contaminant level applicable to public water supply  
322 systems for any contaminant listed in the public health code has been  
323 exceeded. No administrative agency, health district or municipal  
324 health officer may withhold or cause to be withheld such a certificate  
325 of occupancy except as provided in this section.]

326 (d) The local director of health may require a private residential well  
327 to be tested for radionuclides when there are reasonable grounds to

328 suspect that such contaminants are present in the groundwater. For  
329 purposes of this subsection, "reasonable grounds" includes, but is not  
330 limited to, the existence of a geological area known to have naturally  
331 occurring radionuclide deposits in the bedrock.

332 [(e) No regulation may require the water in private residential wells  
333 to be tested for alachlor, atrazine, dicamba, ethylene dibromide (EDB),  
334 metolachlor, simazine or 2,4-D or any other herbicide or insecticide  
335 unless (1) results from a prior water test indicate a nitrate  
336 concentration at or greater than ten milligrams per liter and (2) the  
337 local director of health has reasonable grounds to suspect such  
338 chemical or chemicals are present in said residential well. For the  
339 purposes of this subsection, "reasonable grounds" includes, but is not  
340 limited to, the proximity of the particular water supply system to past  
341 or present agricultural uses of land.]

342 (e) The collection of samples for determining the water quality of  
343 private residential wells may only be made by (1) employees of a  
344 laboratory certified or approved by the Department of Public Health to  
345 test drinking water, if such employees have been trained in sample  
346 collection techniques, (2) certified water operators, (3) local health  
347 departments and state employees trained in sample collection  
348 techniques, or (4) individuals with training and experience that the  
349 Department of Public Health deems sufficient.

350 [(f) Any owner of a residential construction on which a private  
351 residential well is located or any general contractor of a new  
352 residential construction on which a private residential well is located  
353 may collect samples of well water for submission to a laboratory or  
354 firm for the purposes of testing water quality pursuant to this section,  
355 provided such laboratory or firm finds said owner or general  
356 contractor to be qualified to collect such sample. No regulation may  
357 prohibit or impede such collection or analysis.]

358 (f) The local director of health may require private residential wells  
359 to be tested for pesticides, herbicides or organic chemicals when there

360 are reasonable grounds to suspect that any such contaminants might  
361 be present in the groundwater. For purposes of this subsection,  
362 "reasonable grounds" includes, but is not limited to, (1) the presence of  
363 nitrate-nitrogen in the groundwater at a concentration greater than ten  
364 milligrams per liter, or (2) that the private residential well is located on  
365 land, or in proximity to land, associated with the past or present  
366 production, storage, use or disposal of organic chemicals.

367 [(g) No regulation may require the water in private residential wells  
368 to be tested for organic chemicals unless the local director of health has  
369 reasonable grounds to suspect such organic chemicals are present in  
370 said residential well. For purposes of this subsection, "reasonable  
371 grounds" means any indication, derived from a phase I environmental  
372 site assessment or otherwise, that the particular water supply system  
373 that is to be tested exists on land or in proximity to land associated  
374 with the past or present production, storage, use or disposal of organic  
375 chemicals.

376 (h) The amendments to sections 19-13-B51/ and 19-13-B101 of the  
377 regulations of Connecticut state agencies that became effective  
378 December 30, 1996, shall be waived for those residential wells which  
379 were not tested in accordance with said amendments between  
380 December 30, 1996, and July 8, 1997.]

381 Sec. 11. Section 25-33k of the general statutes is repealed and the  
382 following is substituted in lieu thereof (*Effective October 1, 2011*):

383 (a) For purposes of this section, "safe yield" means the maximum  
384 dependable quantity of water per unit of time that may flow or be  
385 pumped continuously from a source of supply during a critical dry  
386 period without consideration of available water limitations.

387 (b) No source of water supply shall be abandoned by a water  
388 company or other entity without a permit from the Commissioner of  
389 Public Health. A water company or other entity shall apply for such  
390 permit in the manner prescribed by the commissioner. Not later than

391 thirty days before filing an application for such permit, the applicant  
392 shall notify the chief elected official of any municipality and any local  
393 health department or district in which such source of supply is located.  
394 Not later than sixty days after receipt of such notification, the  
395 municipality or municipalities and local health departments or  
396 districts receiving such notice, and any water company as defined in  
397 section 25-32a, may submit comments on such application to the  
398 commissioner. The commissioner shall take such comments into  
399 consideration when reviewing the application.

400 (c) (1) In [the commissioner's decision] determining whether to  
401 approve an application, the commissioner shall (A) consider the water  
402 supply needs of the water company, the state and any comments  
403 submitted pursuant to subsection (b) of this section, and [shall] (B)  
404 consult with the Commissioner of Environmental Protection, the  
405 Secretary of the Office of Policy and Management and the Department  
406 of Public Utility Control. The Commissioner of Public Health shall not  
407 be required to make a consultation pursuant to subparagraph (B) of  
408 this subdivision if the source of water supply to be abandoned is a  
409 groundwater source with a safe yield of less than ten gallons per  
410 minute and is of poor water quality.

411 (2) The Commissioner of Public Health shall grant a permit upon a  
412 finding that any groundwater source with a safe yield of less than 0.75  
413 millions of gallons per day, any reservoir with a safe yield of less than  
414 0.75 millions of gallons per day, any reservoir system with a safe yield  
415 of less than 0.75 millions of gallons per day, or any individual source  
416 within a reservoir system when such system has a safe yield of less  
417 than 0.75 millions of gallons per day will not be needed by such water  
418 company for present or future water supply and, in the case of a water  
419 company required to file a water supply plan under section 25-32d,  
420 that such abandonment is consistent with a water supply plan filed  
421 and approved pursuant to said section. No permit shall be granted if  
422 the commissioner determines that the source would be necessary for  
423 water supply by the company owning such source in an emergency or

424 the proposed abandonment would impair the ability of such company  
425 to provide a pure, adequate and reliable water supply for present and  
426 projected future customers. As used in this section, a future source of  
427 water supply shall be considered to be any source of water supply  
428 necessary to serve areas reasonably expected to require service by the  
429 water company owning such source for a period of not more than fifty  
430 years after the date of the application for a permit under this section.

431 (3) The Commissioner of Public Health shall grant a permit upon a  
432 finding that any groundwater source with a safe yield of more than  
433 0.75 millions of gallons per day, any reservoir with a safe yield of more  
434 than 0.75 millions of gallons per day, any reservoir system with a safe  
435 yield of more than 0.75 millions of gallons per day, or any individual  
436 source within a reservoir system when such system has a safe yield of  
437 more than 0.75 millions of gallons per day is of a size or condition that  
438 makes it unsuitable for present or future use as a drinking water  
439 supply by the water company, other entity or the state. In making a  
440 decision, the commissioner shall consider the general utility of the  
441 source and the viability for use to meet water supply needs. The  
442 commissioner shall consider any public water supply plans filed and  
443 approved pursuant to sections 25-32d and 25-33h, and any other water  
444 system plan approved by the commissioner, and the efficient and  
445 effective development of public water supply in the state. In assessing  
446 the general utility of the source, the commissioner shall consider  
447 factors including, but not limited to, (A) the safe yield of the source, (B)  
448 the location of the source relative to other public water supply  
449 systems, (C) the water quality of the source and the potential for  
450 treatment, (D) water quality compatibility between systems and  
451 interconnections, (E) extent of water company-owned lands for source  
452 protection of the supply, (F) types of land uses and land use controls in  
453 the aquifer protection area or watershed and their potential impact on  
454 water quality of the source, and (G) physical limitations to water  
455 service, system hydraulics and topography.

456 Sec. 12. Subsection (n) of section 25-32 of the general statutes is

457 repealed and the following is substituted in lieu thereof (*Effective*  
458 *October 1, 2011*):

459 (n) (1) On and after the effective date of regulations adopted under  
460 this subsection, no person may operate any water treatment plant, [or]  
461 water distribution system or small water system that treats or supplies  
462 water used or intended for use by the public, test any backflow  
463 prevention device, or perform a cross connection survey without a  
464 certificate issued by the commissioner under this subsection. The  
465 commissioner shall adopt regulations, in accordance with chapter 54,  
466 to provide: (A) Standards for the operation of such water treatment  
467 plants, [and] water distribution systems and small water systems; (B)  
468 standards and procedures for the issuance of certificates to operators  
469 of such water treatment plants, [and] water distribution systems and  
470 small water systems; (C) procedures for the renewal of such certificates  
471 every three years; (D) standards for training required for the issuance  
472 or renewal of a certificate; and (E) standards and procedures for the  
473 issuance and renewal of certificates to persons who test backflow  
474 prevention devices or perform cross connection surveys. Such  
475 regulations shall be consistent with applicable federal law and  
476 guidelines for operator certification programs promulgated by the  
477 United States Environmental Protection Agency. [, and shall be  
478 adopted and filed with the Secretary of the State pursuant to section 4-  
479 172 not later than February 1, 2001] For purposes of this subsection,  
480 "small water system" means a public water system, as defined in  
481 section 25-33d, that serves less than one thousand persons and has no  
482 treatment or has only treatment that does not require any chemical  
483 treatment, process adjustment, backwashing or media regeneration by  
484 an operator.

485 (2) The commissioner may take any disciplinary action set forth in  
486 section 19a-17, except for the assessment of a civil penalty under  
487 subdivision (6) of subsection (a) of section 19a-17, against an operator,  
488 a person who tests backflow prevention devices or a person who  
489 performs cross connection surveys holding a certificate issued under



490 this subsection for any of the following reasons: (A) Fraud or material  
 491 deception in procuring a certificate, the renewal of a certificate or the  
 492 reinstatement of a certificate; (B) fraud or material deception in the  
 493 performance of the certified operator's professional activities; (C)  
 494 incompetent, negligent or illegal performance of the certified  
 495 operator's professional activities; (D) conviction of the certified  
 496 operator for a felony; or (E) failure of the certified operator to complete  
 497 the training required under subdivision (1) of this subsection.

498 (3) The commissioner may issue a certificate to perform a function  
 499 set forth in subdivision (1) of this subsection upon receipt of a  
 500 completed application, in a form prescribed by the commissioner,  
 501 together with an application fee as follows: (A) For a water treatment  
 502 plant, water distribution system or small water system operator  
 503 certificate, two hundred twenty-four dollars; (B) for a backflow  
 504 prevention device tester certificate, one hundred fifty-four dollars; and  
 505 (C) for a cross-connection survey inspector certificate, one hundred  
 506 fifty-four dollars. A certificate issued pursuant to this subdivision shall  
 507 expire three years from the date of issuance unless renewed by the  
 508 certificate holder prior to such expiration date. The commissioner may  
 509 renew a certificate for an additional three years upon receipt of a  
 510 completed renewal application, in a form prescribed by the  
 511 commissioner, together with a renewal application fee as follows: (i)  
 512 For a water treatment plant, water distribution system or small water  
 513 system operator certificate, ninety-eight dollars; (ii) for a backflow  
 514 prevention device tester certificate, sixty-nine dollars; and (iii) for a  
 515 cross-connection survey inspector certificate, sixty-nine dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	16a-27
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>October 1, 2011</i>	21a-138
Sec. 4	<i>October 1, 2011</i>	21a-150
Sec. 5	<i>October 1, 2011</i>	21a-150a

Sec. 6	<i>October 1, 2011</i>	21a-150b
Sec. 7	<i>October 1, 2011</i>	21a-150d
Sec. 8	<i>October 1, 2011</i>	21a-150h(l)
Sec. 9	<i>October 1, 2011</i>	25-33(b)
Sec. 10	<i>October 1, 2011</i>	19a-37
Sec. 11	<i>October 1, 2011</i>	25-33k
Sec. 12	<i>October 1, 2011</i>	25-32(n)

***Statement of Purpose:***

To codify existing long-term water policy concerning preservation of drinking water, eliminate the Department of Public Health's currently limited oversight of certain bottled water sources, ensure that only qualified individuals collect water samples, increase testing of private wells when there are public health concerns, and implement certification programs necessary for obtaining federal funds.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*